United Nations A/C.3/67/L.36

General Assembly

Distr.: Limited
9 November 2012

Original: English

Sixty-seventh session
Third Committee
Agenda item 69 (b)
Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Argentina, Australia, Austria, Belgium, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Guatemala, Hungary, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Monaco, Montenegro, New Zealand, Norway, Panama, Poland, Portugal, Republic of Moldova, Romania, Slovenia, Sweden, Switzerland and United Kingdom of Great Britain and Northern Island: draft resolution

Extrajudicial, summary or arbitrary executions

The General Assembly,

Recalling the Universal Declaration of Human Rights,[1] which guarantees the right to life, liberty and security of person, the relevant provisions of the International Covenant on Civil and Political Rights[2] and other relevant human rights conventions,

Reaffirming the mandate of the Special Rapporteur of the Human Rights Council on extrajudicial, summary or arbitrary executions, as set out in Council resolution 17/5 of 16 June 2011,[3]

Welcoming the universal ratification of the Geneva Conventions of 12 August 1949,[4] which alongside human rights law provide an important framework of accountability in relation to extrajudicial, summary or arbitrary executions during armed conflict,

Mindful of all its resolutions on the subject of extrajudicial, summary or arbitrary executions and the resolutions of the Commission on Human Rights and of the Human Rights Council on the subject,

[1] Resolution 217 A (III).
[2] See resolution 2200 A (XXI), annex.
[3] See *Official Records of the General Assembly, Sixty-sixth Session, Supplement No. 53* (A/66/53), chap. III, sect. A.
[4] United Nations, *Treaty Series*, vol. 75, Nos. 970-973.

Please recycle

Noting with deep concern that impunity continues to be a major cause of the perpetuation of violations of human rights, including extrajudicial, summary or arbitrary executions,

Acknowledging that international human rights law and international humanitarian law are complementary and mutually reinforcing,

Noting with deep concern the growing number of civilians and persons *hors de combat* killed in situations of armed conflict and internal strife,

Noting also with deep concern the continuing instances of the arbitrary deprivation of life, as a result of the imposition and implementation of capital punishment in a manner that violates international law,

Deeply concerned about acts that can amount to extrajudicial summary or arbitrary executions committed against persons exercising their rights of peaceful assembly and freedom of expression in all regions of the world,

Acknowledging that extrajudicial, summary or arbitrary executions may under certain circumstances amount to genocide, crimes against humanity or war crimes, as defined in international law, including in the Rome Statute of the International Criminal Court,[5] and recalling in this regard that each individual State has the responsibility to protect its populations from such crimes as set out in General Assembly resolutions 60/1 of 16 September 2005 and 63/308 of 14 September 2009,

Convinced of the need for effective action to prevent, combat and eliminate the abhorrent practice of extrajudicial, summary or arbitrary executions, which represent flagrant violations of international human rights law, particularly the right to life, as well as violations of international humanitarian law,

1. *Strongly condemns once again* all the extrajudicial, summary or arbitrary executions that continue to occur throughout the world;

2. *Demands* that all States ensure that the practice of extrajudicial, summary or arbitrary executions is brought to an end and that they take effective action to prevent, combat and eliminate the phenomenon in all its forms and manifestations;

3. *Reiterates* the obligation of all States under international law to conduct thorough, prompt and impartial investigations into all suspected cases of extrajudicial, summary or arbitrary executions, to identify and bring to justice those responsible, while ensuring the right of every person to a fair hearing by a competent, independent and impartial tribunal established by law, to grant adequate compensation within a reasonable time to the victims or their families and to adopt all necessary measures, including legal and judicial measures, to put an end to impunity and to prevent the further occurrence of such executions, as recommended in the Principles on the Effective Prevention and Investigation of Extralegal, Arbitrary and Summary Executions;[6]

4. *Calls upon* Governments, and invites intergovernmental and non-governmental organizations, to pay greater attention to the work of national-level commissions of inquiry into extrajudicial, summary or arbitrary executions

[5] Ibid., vol. 2187, No. 38544.

[6] Economic and Social Council resolution 1989/65, annex.

with a view to ensuring the effective contribution of these commissions to accountability and to combating impunity;

5. *Calls upon* all States, in order to prevent extrajudicial, summary or arbitrary executions, to comply with their obligations under relevant provisions of international human rights instruments, and further calls upon States which retain the death penalty to pay particular regard to the provisions contained in articles 6, 14 and 15 of the International Covenant on Civil and Political Rights[2] and articles 37 and 40 of the Convention on the Rights of the Child,[7] bearing in mind the safeguards and guarantees set out in Economic and Social Council resolutions 1984/50 of 25 May 1984 and 1989/64 of 24 May 1989 and taking into account the recommendations of the Special Rapporteur in the reports to the Human Rights Council and the General Assembly, including his report submitted to the sixty-seventh session of the General Assembly,[8] regarding the need to respect all safeguards and restrictions, including the most serious crimes limitation, stringent respect of due process and fair trial safeguards and the right to seek pardon or commutation of sentence;

6. *Urges* all States:

(a) To take all measures required by international human rights law and international humanitarian law to prevent loss of life, in particular that of children, during detention, arrest, public demonstrations, internal and communal violence, civil unrest, public emergencies or armed conflicts and to ensure that the police, law enforcement agents, armed forces and other agents acting on behalf of or with the consent or acquiescence of the State act with restraint and in conformity with international human rights law and international humanitarian law, including the principles of proportionality and necessity, and in this regard to ensure that police and law enforcement officials are guided by the Code of Conduct for Law Enforcement Officials[9] and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials;[10]

(b) To ensure the effective protection of the right to life of all persons under their jurisdiction, to investigate promptly and thoroughly all killings, including those targeted at specific groups of persons, such as racially motivated violence leading to the death of the victim, killings of persons belonging to national or ethnic, religious and linguistic minorities or because of their sexual orientation or gender identity, killings of persons affected by terrorism or hostage-taking or living under foreign occupation, killings of refugees, internally displaced persons, migrants, street children or members of indigenous communities, killings of persons for reasons related to their activities as human rights defenders, lawyers, journalists or demonstrators, killings committed in the name of passion or in the name of honour, and all killings committed for discriminatory reasons on any basis, to bring those responsible to justice before a competent, independent and impartial judiciary at the national or, where appropriate, international level and to ensure that such killings, including those committed by security forces, police and law enforcement

---

[7] United Nations, *Treaty Series*, vol. 1577, No. 27531.

[8] A/67/275.

[9] Resolution 34/169, annex.

[10] See *Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August-7 September 1990: report prepared by the Secretariat* (United Nations publication, Sales No. E.91.IV.2), chap. I, sect. B.

agents, paramilitary groups or private forces, are neither condoned nor sanctioned by State officials or personnel;

7. *Affirms* the obligation of States, in order to prevent extrajudicial, summary or arbitrary executions, to protect the lives of all persons deprived of their liberty in all circumstances and to investigate and respond to deaths in custody;

8. *Urges* all States to ensure that persons deprived of their liberty are treated humanely and with full respect for international humanitarian and human rights law and that their treatment, including judicial guarantees, and conditions conform to the Standard Minimum Rules for the Treatment of Prisoners[11] and, where applicable, to the Geneva Conventions of 12 August 1949[4] and the Additional Protocols thereto, of 8 June 1977,[12] in relation to all persons detained in armed conflict, as well as to other pertinent international instruments;

9. *Urges* States to prevent and, where such situations exist, to end prisoner control of prisons, bearing in mind the obligation of the State to protect human rights, including protection against extrajudicial, summary or arbitrary executions;

10. *Welcomes* the International Criminal Court as an important contribution to ending impunity concerning extrajudicial, summary or arbitrary executions, and, noting the growing awareness of the Court worldwide, calls upon those States that are under an obligation to cooperate with the Court to provide such cooperation and assistance in the future, in particular with regard to arrest and surrender, the provision of evidence, the protection and relocation of victims and witnesses and the enforcement of sentences, further welcomes the fact that one hundred and twenty-one States have already ratified or acceded to and one hundred and thirty-nine States have signed the Rome Statute of the Court,[5] and calls upon all those States that have not ratified or acceded to the Rome Statute and the Agreement on the Privileges and Immunities of the International Criminal Court[13] to give serious consideration to doing so;

11. *Acknowledges* the importance of ensuring the protection of witnesses for the prosecution of those suspected of extrajudicial, summary or arbitrary executions, urges States to intensify efforts to establish and implement effective witness protection programmes or other measures, and in this regard encourages the Office of the United Nations High Commissioner for Human Rights to develop practical tools designed to encourage and facilitate greater attention to the protection of witnesses;

12. *Encourages* Governments and intergovernmental and non-governmental organizations to organize training programmes and to support projects with a view to training or educating military forces, law enforcement officers and government officials in international humanitarian and human rights law connected with their work and to include a gender and child rights perspective in such training, and appeals to the international community and requests the Office of the High Commissioner to support endeavours to that end;

---

[11] *Human Rights: A Compilation of International Instruments*, Volume I (First Part), *Universal Instruments* (United Nations publication, Sales No. E.02.XIV.4 (Vol. I, Part 1)), sect. J, No. 34.

[12] United Nations, *Treaty Series*, vol. 1125, Nos. 17512 and 17513.

[13] United Nations, *Treaty Series*, vol. 2271, No. 40446.

13. *Expresses its concern* about the occurrence of vigilante killings around the globe, encourages States, in order to support efforts to prevent and end such killings, to undertake or facilitate systematic studies of the phenomenon with a view to taking context-specific measures and focused action, and requests the Office of the High Commissioner and other relevant United Nations entities, upon request, to support such studies and their follow-up;

14. *Takes note* of the reports of the Special Rapporteur to the General Assembly and the Human Rights Council, and invites States to take due consideration of the recommendations made therein;[14]

15. *Commends* the important role that the Special Rapporteur plays towards the elimination of extrajudicial, summary or arbitrary executions, and encourages the Special Rapporteur to continue, within his mandate, to collect information from all concerned, to respond effectively to reliable information that comes before him, to follow up on communications and country visits and to seek the views and comments of Governments and to reflect them, as appropriate, in his reports;

16. *Acknowledges* the important role of the Special Rapporteur in identifying cases where extrajudicial, summary or arbitrary executions could amount to genocide and crimes against humanity or war crimes, and urges the Special Rapporteur to collaborate with the United Nations High Commissioner for Human Rights and, as appropriate, the Special Adviser to the Secretary-General on the Prevention of Genocide in addressing situations of extrajudicial, summary or arbitrary executions that are of particularly serious concern or in which early action might prevent further deterioration;

17. *Welcomes* the cooperation established between the Special Rapporteur and other United Nations mechanisms and procedures in the field of human rights, and encourages the Special Rapporteur to continue efforts in that regard;

18. *Urges* all States, in particular those that have not done so, to cooperate with the Special Rapporteur so that his mandate can be carried out effectively, including by favourably and rapidly responding to requests for visits, mindful that country visits are one of the essential tools for the fulfilment of the mandate of the Special Rapporteur, and by responding in a timely manner to communications and other requests transmitted to them by the Special Rapporteur;

19. *Expresses its appreciation* to those States that have received the Special Rapporteur, asks them to examine his recommendations carefully, invites them to inform him of the actions taken on those recommendations, and requests other States to cooperate in a similar way;

20. *Requests* the Secretary-General once again to continue to use his best endeavours in cases where the minimum standards of legal safeguards in articles 6, 9, 14 and 15 of the International Covenant on Civil and Political Rights appear not to have been respected;

21. *Requests* the Secretary-General to provide the Special Rapporteur with adequate human, financial and material resources to enable him to carry out his mandate effectively, including through country visits;

---

[14] See A/67/275 and A/66/330.

22. *Also requests* the Secretary-General to continue, in close collaboration with the High Commissioner, in conformity with the mandate of the High Commissioner established by the General Assembly in its resolution 48/141 of 20 December 1993, to ensure that personnel specialized in international humanitarian and human rights law form part of United Nations missions, where appropriate, in order to deal with serious violations of human rights, such as extrajudicial, summary or arbitrary executions;

23. *Requests* the Special Rapporteur to submit to the General Assembly at its sixty-eighth and sixty-ninth sessions a report on the situation worldwide in regard to extrajudicial, summary or arbitrary executions and his recommendations for more effective action to combat this phenomenon;

24. *Decides* to continue its consideration of the question at its sixty-ninth session.